

MEMORADIUM

To: Interested Parties

From: Lee Gonzales

Date: October 22, 2009

Re: HB 4394 - Texting While Driving

This bill would prohibit the use of a hand-held mobile phone to text message while driving. In its current form, enforcement would be a secondary offense with a civil infraction.

With the growing chorus of concern at both the state and national levels it is clear that driving while texting is a major epidemic. This legislation will send a clear message that text messaging while driving is unacceptable behavior.

Drivers are responsible for one task - to drive. This issue is not about convenience - it is about safety and we can no longer ignore the dangers of driving while intoxicated.

Recently, President Obama signed an executive order prohibiting federal employees from texting while driving when using a government issued car or cell phone or when they are using their own car and cell phone when conducting government business.

According to The Wireless Association text messaging is on the rise.

- More than one trillion text messages were sent in 2008 (3.5 billion per day)
- This is almost triple from 2007

At the Distracted Driving Summit recently held in Washington DC, the U.S. Department of Transportation announced that almost 6,000 drivers are killed each year due to distractions

- Driver distraction was involved in 16 percent of all fatal crashes in 2008
- That equals about 150 fatal crashes in Michigan alone

Virginia Tech Transportation Institute (Released July 2009)

- Methodology: Video cameras in cabs of long haul trucks over 18 months
- Conclusion: Texting increased collision risk 23 times*
Longest duration of driver's eyes off the road (4.6 seconds over a 6 second interval or equivalent of driving the distance of a football field at 55 mph without looking.)

University of Utah (Released Summer 2009)

- Methodology: Driving simulator over 18 month period of college students
- Conclusion: Texting increased collision risk 8 times*

Driving While Texting Laws by State

Texting Ban	States	Enforcement	Total
All Drivers	Alaska Arkansas (effective 10/1/09)* California Colorado Connecticut D.C Illinois Minnesota New Hampshire (effective 1/1/10) New Jersey North Carolina (effective 12/1/09) Oregon (effective 1/1/10) Tennessee	Primary	13
All Drivers	Louisiana** Maryland New York (effective 11/1/09) Utah Virginia Washington	Secondary	6
Under 18 and/or Learner's Permit and/or Intermediate License Holders and/or School Bus Drivers	Arkansas (effective 10/1/09)* Delaware Indiana Kansas (effective 1/1/10) Louisiana** Texas	Primary	6
21 and younger	Missouri (effective 8/29/09)	Primary	1
Under 18 with learner's permit or intermediate license	West Virginia	Secondary	1
Learner's permit and intermediate license holders under 18	Nebraska	None	1

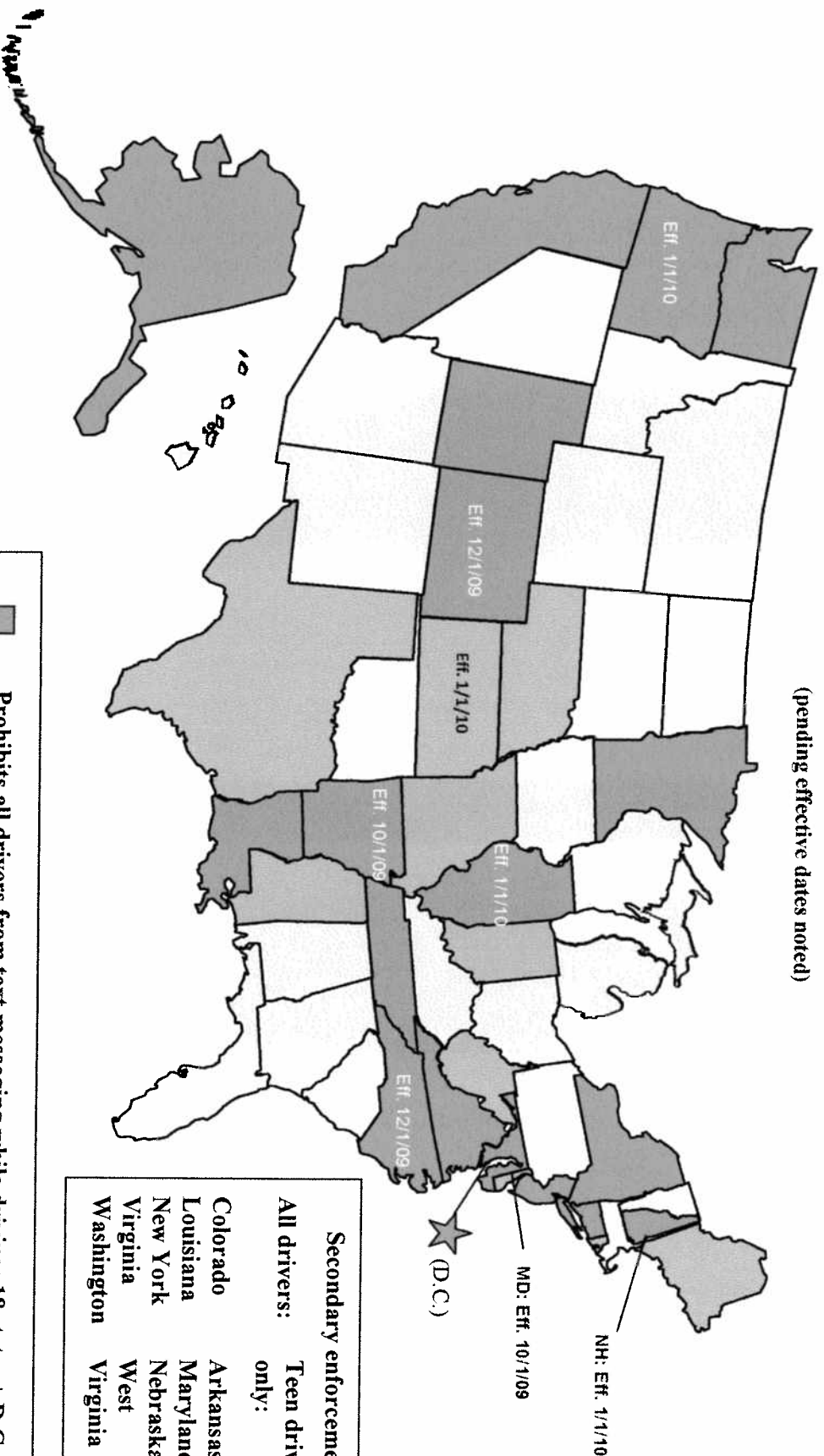
* Includes primary for all drivers and school bus drivers

** Includes secondary for all drivers and primary for school bus drivers

Text Messaging Laws

September 30, 2009

(pending effective dates noted)



Secondary enforcement
All drivers: Teen drivers only:
 Colorado Arkansas
 Louisiana Maryland
 New York Nebraska
 Virginia West Virginia
 Washington Virginia



Public Affairs



Texting and e-mailing are just some of the many possible distractions that divert drivers' attention. Others include eating, talking with passengers, reading maps or the newspaper, looking at things outside the vehicle, listening to or adjusting the radio, and attending to children and in-vehicle technologies. Text messaging merits special attention due to the significant eye-off-road time involved in writing, reading, and sending messages in addition to cognitive distraction. The rapid proliferation of texting and driving makes it likely this risky behavior will grow if action is not taken.

Dangerous Behavior

Research shows that texting while driving is a very dangerous behavior.

- Driver distraction contributes to 25% of all vehicle crashes. (NHTSA)
 - Five recent high school graduates were killed in a head-on collision with a truck shortly after text messages were sent and received on the driver's cell phone.
 - A Los Angeles train operator was texting just before his train crashed killing 25 people.
- Crash risk doubles when drivers look away from the road for two or more seconds. (Virginia Tech)
- Young drivers take their eyes off the road 400% more when text messaging. (Monash University)
 - 95% admit their driving performance suffers when receiving text messages.
 - 100% report reduced driving performance when sending messages.
- Texting causes reaction times to decline by 35% and steering control to decline by 91%. (Royal Automobile Club Foundation)
- Text messaging causes drivers to drift out of their lanes 10% more often. (Clemson University)

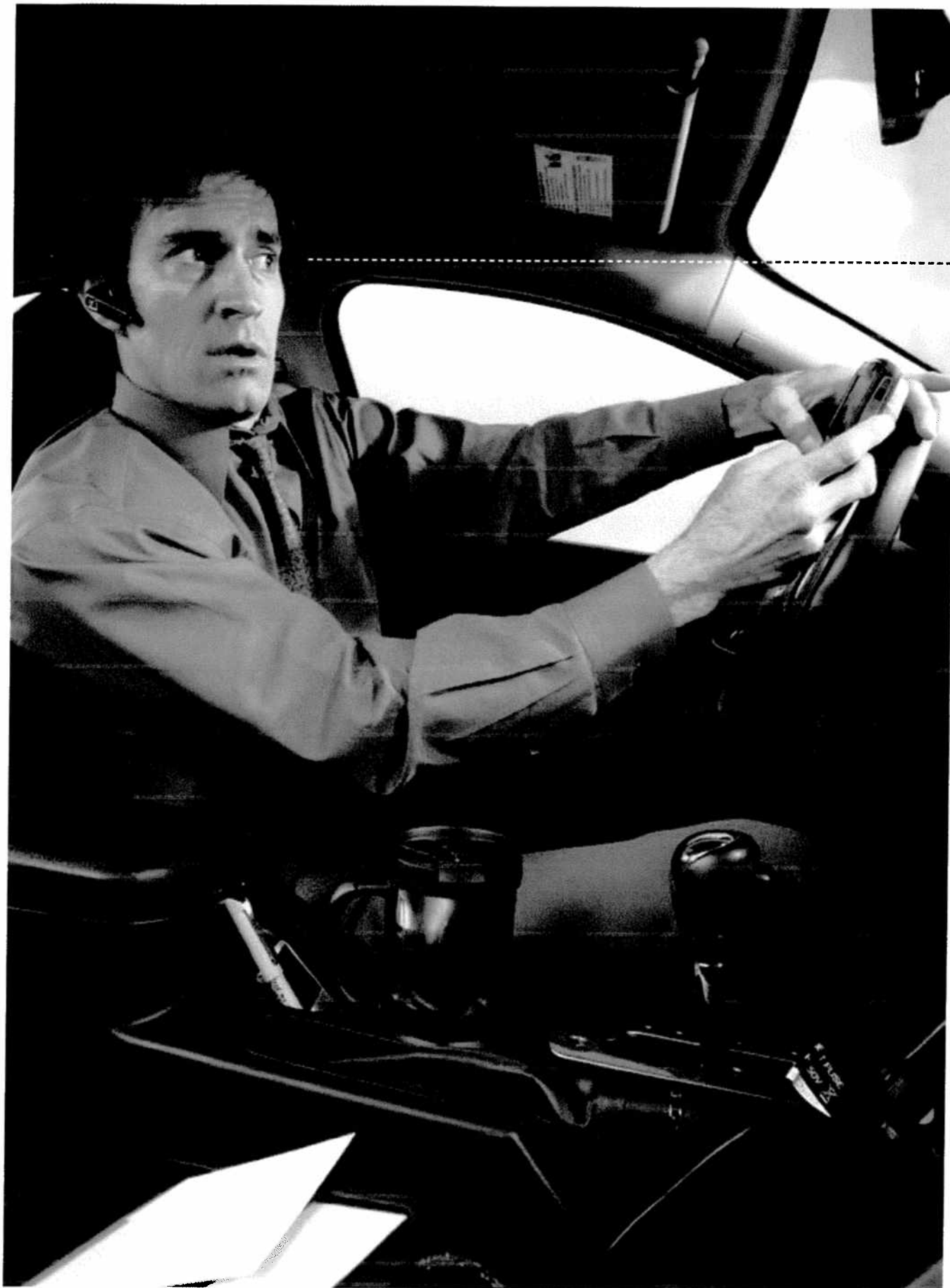
Growing Problem

More than 1 trillion text messages were sent in the U.S. last year, nearly three times more than 2007. Some 20% of drivers admit to texting while driving.

Public Opinion

The public overwhelmingly supports bans on texting while driving.

- 93% of AAA members support text messaging bans.
- 90% of Americans believe text messaging while driving should be illegal.



Driving Distractions

Electronic devices in our cars cause dangerous diversions.
Smart choices and safe driving can reduce the risk.

By CHAD KIRTLAND

Mobile devices, such as cell phones, PDAs, GPS units and media players, entertain us and boost our productivity. But when combined with driving, they can become dangerous—and potentially deadly—distractions.

Hugh Sykes knows first-hand the dangers of distracted driving. In 2005, Sykes was stopped at a road construction zone when a car driven by a motorist talking on a cell phone slammed into the rear of his vehicle at 50 miles per hour. Sykes woke up in the hospital and, after two years of treatment, underwent surgery to repair four vertebrae in his neck.

“The other driver was talking on the phone *and* reaching down to pick up something from the floor,” says Sykes. “She didn’t even hit the brakes.”

Sykes’ experience is becoming increasingly commonplace. The proliferation of mobile technology devices in our cars presents today’s drivers with unprecedented distractions. Fortunately, smart driving habits can reduce the prevalence of distracted driving and its associated risks.

Assessing the Dangers

Driver inattention contributes to 80 percent of all crashes, according to a recent study by the U.S. National Highway Traffic Safety Administration

(NHTSA). That equals about 4 million wrecks each year.

The facts about phoning and driving are equally sobering. Talking on a cell phone while driving significantly reduces driver reaction time and quadruples the risk for crashes. Drivers using cell phones are more likely to cause rear-end crashes than drunk drivers.

“You just cannot talk on the phone and be fully aware of your surroundings,” says Sykes.

Despite these dangers, many drivers continue to make bad choices when it comes to distractions. NHTSA estimates that one in 10 drivers is talking on a cell phone at any given time. In a 2008 survey by the AAA Foundation for Traffic

Common Problems

Distractions come in many forms, including a few you may not recognize as dangers. Beware of these everyday diversions.

Cell Phones

Hand-held or hands-free, phone conversations are today's most prevalent dangers.

Car Controls

Adjust your seat, climate controls and radio before you drive.



Eating

It's hard to steer with a burger in your hand. Pull over to eat.

Texting

Your eyes leave the road, and your hands leave the steering wheel. Don't do it.

GPS Units

Program your directions before you drive.



Drowsy Driving

On long trips, take breaks every 100 miles or two hours.



Children

Don't reach into the back seat. If your kids require your attention, pull over.

Learn more at AAAFoundation.org.

Safety, more than half of all respondents admitted to talking on the phone while driving, and 17 percent said they do so regularly. The frequency among drivers age 18 to 34—the group most at risk of crashes—is even higher at 67 percent.

Conversations Distract Drivers

New technologies often attempt to minimize the dangers of our mobile devices. Voice-activated GPS units let drivers keep their hands on the wheel while requesting directions. Hands-free earpieces were supposed to make phone conversations safer.

In truth, these improvements don't always eliminate dangers. Research by the AAA Foundation reveals that it is the conversation, and not the device, that distracts the driver. Therefore, phone conversations on hands-free earpieces prove just as distracting as when the driver holds the phone. Likewise, talking to your GPS unit while driving may be no safer than programming it by hand.

"Too many Americans are driving with the false sense of security that hands-free devices are somehow safer, which could be a deadly mistake," says AAA Foundation President and CEO Peter Kissinger.

State Laws Vary

While distracted driving—particularly cell phone use—represents a pervasive traffic safety concern, relatively few states adequately address the practice. Laws vary from state to state, but no state has yet banned all cell phone use by drivers (a few states are currently considering such legislation). A handful



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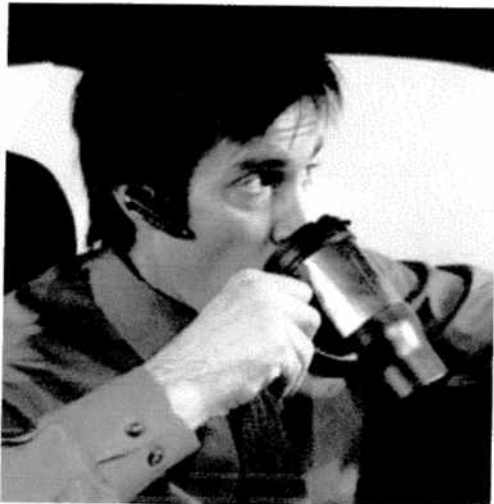
—The U.S. National Highway
Traffic Safety Administration

of states and municipalities ban hand-held phone use and texting while driving. Some states ban teens from using cell phones while driving.

"AAA encourages all states to enact laws banning teens from using wireless devices while driving," says Kathleen Marvaso, vice president of Public Affairs for AAA National.



DANGEROUS DIVERSIONS: Distractions come in many forms; avoid multitasking behind the wheel; hands-free devices don't help; program your GPS before you leave.



GIRLS, GPS, JUPITERIMAGES; DRINKING, MARK WAGONER

Stop the Dangers

Despite the excessive diversions now in our cars, drivers can easily reduce the risks of distracted driving by using a few simple precautions and a dose of common sense.

- Keep your eyes on the road.
- Keep your hands on the steering wheel while in motion.
- Do not talk on the phone or text

while driving, even with a hands-free device. If you must phone while traveling, pull over and stop your car.

- Wait until you've stopped to operate your radio or media player.
- Program your GPS before you drive.
- Put a video in your kids' entertainment system before you go.
- Turn off and stow your PDA.

"Drivers need to be aware of the dangers of distracted driving and pay full attention while they are behind the wheel," says Kissinger.

Technology will continue to provide us with handy diversions for use in our vehicles, but only smart drivers can stop these devices from becoming deadly distractions. ■